

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MAURICE EMILE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-974
	)	Judge Gary L. Lancaster/
SCI-PITTSBURGH, and PENNSYLVANIA	)	Magistrate Judge Lisa Pupo
DEPARTMENT OF CORRECTIONS,	)	Lenihan
	)	
Defendants.	)	
	)	

**MEMORANDUM ORDER**

The above-captioned prisoner civil rights action was received by the Clerk of Court on June 30, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

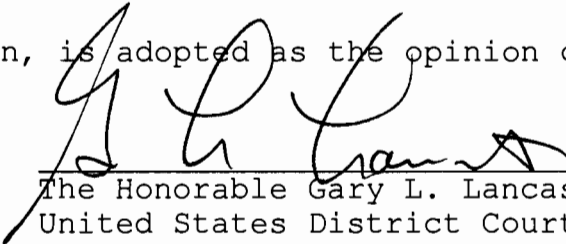
The magistrate judge's Report and Recommendation (Doc. No. 47), filed on August 18, 2006, recommended that the motion to dismiss (Doc. 13) filed by the Department of Corrections and SCI-Pittsburgh be granted as to them, but denied as to the defendants who, although not named in the caption, were named in the body of the complaint. The Report also recommended denying Plaintiff's motion (Doc. 38) which the court construed as a preliminary injunction motion. Service was made on the Plaintiff at SCI Cresson, PO Box A, Cresson, PA 16699, which was the address listed on the docket. Plaintiff was informed that in accordance with the Magistrates Act, 28 U.S.C.

§ 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, he had ten (10) days to file any objections. No objections were filed. After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 21<sup>st</sup> day of Sept, 2006;

**IT IS HEREBY ORDERED** that the motion to dismiss (Doc. 13) filed by SCI-Pittsburgh and the Department of Corrections is granted and that Plaintiff's motion for preliminary injunction (Doc. 38) is denied.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 47), filed on August 18, 2006, by Magistrate Judge Lenihan, is adopted as the opinion of the court.

  
The Honorable Gary L. Lancaster  
United States District Court Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

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